

Serial No. 10/646,890

REMARKS

In accordance with the foregoing, claims 1-15 are amended to correct formalities. No new matter is presented and approval and entry is requested. Claims 1-15 are pending and under consideration. Reconsideration is requested.

Listing Of Claims As Pending By The Office Action Is Incorrect

A Preliminary Amendment was filed on August 23, 2003 ("Preliminary Amendment") adding new dependent claims 14-15. The Preliminary Amendment is reflected in the USPTO PAIR system as being entered. Thus, Applicants submit that claims 1-15 are pending.

But, the Office Action Summary incorrectly lists instead only claims 1-13 as pending.

Thus, Applicants request the record be corrected to indicate claims 1-15 are pending.

Office Action is Incomplete

The Office Action Summary lists claims 1-13 as rejected and in the Detailed Action the Examiner rejects claims 1-5 and 10-13 under 35 U.S.C. 102(b) as being anticipated by *Patterson, Lois, Teach Yourself Microsoft Excel® 97 in 24 Hours*, 1997 and claim 9 as being rejected under 103 as being unpatentable over *Patterson and Walker et al.* (U.S.P. 6,616,458).

But, a status is not given for claims 14-15. That is, the Office Action is incomplete.

Thus, if the case is not found in condition for allowance, Applicants submit a final Office Action would not be proper and request a new, complete non-final Office Action be issued and with due date appropriately reset.

Item 2: Objection to claims 6-8

In item 2 of the Office Action, the Examiner objects to claims 6-8 under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim.

Applicants point out that in the Preliminary Amendment, claim 3 was amended so as to be dependent only on claim 1 and claim 6 was amended to be only dependent on claim 3.

That is, claims 6-8 are not dependent on another multiple dependent claim after entry of the Preliminary Amendment.

Thus, Applicants submit that claims 6-8 are in proper form and request the objection be withdrawn.

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Traverse of Rejections

In item 4 of the Office Action, the Examiner rejects claims 1-6 and 10-13 under 35 U.S.C. 102(b) as being anticipated by Patterson and in item 5 of the Office Action the Examiner rejects claim 9 as under 103 as being unpatentable over Patterson and Walker.

The rejections are traversed.

Applicants submit features recited by each of independent claims 1 and 10-13 (and thus dependent claims) are not taught by the art relied on by the Examiner, alone or in *arguendo* combination.

Independent claim 1, for example, recites a polling method for conducting a poll on a respondent group including at least one or more first respondents and second respondents, the polling method comprising:

- a) "a first questioning by presenting a question to a first respondent;"
- b) "obtaining a free reply by accepting input by a first respondent of an unguided reply to said question;
- c) "a first storing for storing the free reply input by the first respondent as a reply option to said question;
- d) "a second questioning of presenting said question to a second respondent after input of the free reply by the first respondent; and
- e) "presenting to the second respondent the reply stored in said first storing. Independent claims 10-13 have similar recitations.

That is, according to an embodiment of the present invention, a form can be updated based on past replies stored in a database and the updated form can be presented to a user

Thus, according to an embodiment of the present invention, free replies can be inputted to a question as options for a reply to the same question.

Therefore, free replies to a question inputted on a survey form page can be stored in a database as options for a reply to the same question.

Thus, according to an embodiment of the present invention, options for a reply stored in a database can be displayed on a new survey form.

While Patterson does *arguendo* disclose data inputted into a form is reflected on the database, Applicants submit that neither Patterson nor Walker, alone or in *arguendo* combination teach features recited by each of the independent claims.

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For example, neither Patterson nor Walker disclose a form is updated based on data inputted into a database and that the updated form can be presented to users.

By contrast, the "AutoFill" feature cited by the Examiner, merely stores the prior replies inputted on the same form and does not function when nothing has been inputted into the form.

Applicants submit this traversal meets the Consideration of Applicant's Rebuttal Evidence Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* of October 3, 2007 and the elements in combination do not merely perform the function that each element performs separately, and the results of the claimed combination were unexpected.

Summary

Since features recited by independent claims 1 and 10-13 (and thus dependent claims) are not taught by even a combination of the art relied on by the Examiner, the rejection should be withdrawn and claims 1-5 and 9-13 allowed.

Applicants further submit that at least for the above reasons dependent claims 6-8 and 14-15 are also allowable

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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